



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/595,531	06/16/2000	Mark S. Hann	ITW-12155-01	2195

7590 06/19/2002

John P O'Brien
Illinois Tool Works Inc - Patent Department
3600 West Lake Avenue
Glenview, IL 60025

EXAMINER

VU, STEPHEN A

ART UNIT

PAPER NUMBER

3636

DATE MAILED: 06/19/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/595,531

Applicant(s)
Hann

Examiner
Stephen Vu

Art Unit
3636



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Apr 15, 2002
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9, 11, 13, and 21-27 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 22 is/are allowed.
- 6) ☒ Claim(s) 9, 11, 13, 21, and 23-25 is/are rejected.
- 7) ☒ Claim(s) 26 and 27 is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- *See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other:

Art Unit: 3636

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 9,11,13,21, and 25 stand rejected under 35 U.S.C. 102(b) as being anticipated by Izuno et al.

Izuno et al show a headrest assembly, as illustrated in Figures 1-9, comprising a headrest guide (7,11) having two sleeves(15) forming a channel. The two sleeves are rigidly interconnected in a fixed parallel relationship by the guide (7,11) with respect to one another so that the channel of each is parallel with the other. The headrest guide is formed as an integrally molded, unitary component. A headrest insert (2) is provided with two generally parallel rods (3,4).

With claims 11 and 25, the headrest guide is connected with respect to the seat frame (5) of a vehicle.

With claim 13, the headrest insert tapers from each outer end toward a center portion.

3. Claims 9,11,21, and 25 stand rejected under 35 U.S.C. 102(b) as being anticipated by Wallis.

Art Unit: 3636

Wallis shows a headrest assembly, as illustrated in Figures 1-6, comprising a headrest guide (22) having two sleeves (18,20) forming a channel. The two sleeves are rigidly interconnected in a fixed parallel relationship by the guide (22) with respect to one another so that the channel of each is parallel with the other. The headrest guide is formed as an integrally molded, unitary component. A headrest insert (12) is provided with two generally parallel rods (14,16).

With claims 11 and 25, the headrest guide is connected with respect to the seat frame of a vehicle.

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

5. Claims 9,11,21,23-24, and 25 stand rejected under 35 U.S.C. 102(e) as being anticipated by Russell.

Russell shows a headrest assembly, as illustrated in Figures 1-11, comprising a headrest guide (24) having two sleeves (16) forming a channel. The two sleeves are rigidly interconnected in a fixed parallel relationship by the guide (24) with respect to one another so that the channel of each is parallel with the other. The headrest guide is formed as an integrally

Art Unit: 3636

molded, unitary component. A headrest insert (19) is provided with two generally parallel rods (15,17).

With claims 11 and 25, the headrest guide is connected with respect to the seat frame of a vehicle.

With claim 23, each sleeve has at least one retaining clip (34,36) positioned with respect to an outer surface of the sleeve.

With claim 24, each sleeve has a receptacle (20,22) positioned within a top portion of the sleeves for engaging a headrest cap (84,184).

Allowable Subject Matter

6. Claim 22 is allowed.
7. Claims 26-27 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

8. Applicant's arguments filed April 15, 2002 have been fully considered but they are not persuasive.

Art Unit: 3636

Remarks

The examiner has reviewed and considered the applicant's Amendment, filed on April 15, 2002. It's the examiner's position that the following claims stand rejected. Claims 9,11,13,21, and 25 stand rejected under 35 U.S.C. 102(b) as being anticipated by Izuno et al. Claims 9,11,21, and 25 stand rejected under 35 U.S.C. 102(b) as being anticipated by Wallis. Claims 9,11,21,23-24, and 25 stand rejected under 35 U.S.C. 102(e) as being anticipated by Russell. The amendment to claims 9 and 21 do not put both claims in condition for allowance. The two sleeves are interpreted to be physically interconnected to be in a fixed parallel relationship by the presence of the sleeve as cited by the prior art references.

Conclusion

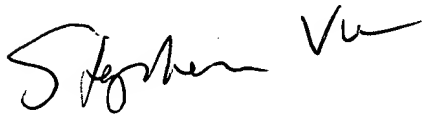
9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however,

Art Unit: 3636

will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Stephen Vu, whose telephone number is (703) 308-1378.

A handwritten signature in black ink that reads "Stephen Vu". The signature is written in a cursive style, with the first name "Stephen" and the last name "Vu" clearly legible.

Stephen Vu
Patent Examiner
June 18, 2002

A handwritten signature in black ink that reads "Peter M. Cuomo". The signature is written in a cursive style, with the first name "Peter" and the last name "Cuomo" clearly legible.

Peter M. Cuomo
Supervisory Patent Examiner
Technology Center 3600